



STATE BOARD OF EQUALIZATION

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DOUGLAS D. BELL
Executive Secretary

June 12, 1984

TO COUNTY ASSESSORS,
COUNTY COUNSELS,
AND OTHER INTERESTED PARTIES:

No. 84/52

NOTICE OF PROPOSED REGULATORY ACTION
BY THE
STATE BOARD OF EQUALIZATION

RULE 282, Temporary Certification
RULE 283, Permanent Certification

PUBLIC HEARING: July 31, 1984

NOTICE IS HEREBY GIVEN that the State Board of Equalization, pursuant to the authority vested by Section 15606 of the Government Code, and to implement, interpret, or make specific Sections 670 and 673 of the Revenue and Taxation Code, proposes to amend Rule 282, Temporary Certification, and Rule 283, Permanent Certification, in Title 18 of the California Administrative Code, relating to property tax.

PUBLIC NOTICE: Notice is further given that a public hearing relevant to this action will be held in Room 102, Consumer Affairs Building, 1020 N Street, Sacramento, California, at 2:00 p.m., on July 31, 1984. Any person interested may present statements or arguments orally at that time and place.

INFORMATIVE DIGEST: Rules 282 and 283 are amended to clearly depict the necessary education and experience qualifications of a person before the Board of Equalization will issue the person a certificate to appraise property for property tax purposes.

Rule 282

1. Part (a) was amended to simplify and provide for the necessity that all appraisers have either a temporary or permanent certificate before appraising property for property tax purposes.

2. Part (b) was deleted because it provided a loophole to permanently certify an appraiser who did not meet the minimum qualifications set out in Rule 283.

3. Part (c) was relettered to part (b) and amended to change the middle of the first sentence which reads, "or has special qualifications which" to read "or has equivalent qualifications which". This amended wording provides "standards" for the alternative qualifications described in the latter part of the first sentence. Without the change of wording, the sentence provided no specific standards upon which the qualifications could be measured.

4. Part (d) was relettered to part (c). The last sentence was amended for clarity and specificity to show that an applicant had the right to a second temporary certificate in the event a service break of more than six months occurred under the first temporary certificate. Please note we have not handled the question of how many temporary certificates can be had under the rule. As the rule is written, there is no limit.

Rule 283

1. Part (a) was deleted because it is no longer needed. This part provided for the "grandfathering in" of appraisers practicing on October 6, 1966, and on November 8, 1967. There is no present need to provide for the "grandfathering in" of appraisers of this vintage. Appraisers holding certificates under the provisions of this existing part (a) will continue to hold such certificates. The deletion of this part does not strip the certificate holder of his vested right to hold the certificate.

2. Part (b) was deleted because it also is no longer needed. There is no longer a need to permanently certificate persons without the requisite qualifications.

3. Part (c) is relettered to part (a) and is also amended to provide for the permanent certification of any appraiser employed for property tax assessment purposes and who meets certain minimum qualifications. The minimum qualifications were not amended, but the relevant experience described in existing (c)(3) has been expanded and reorganized in format. The relevant experience now includes the work experience of any real estate licensee and any appraiser aide or appraiser trainee.

4. Part (e) was relettered to part (b) and was editorially amended to simply say that a person qualifying under equivalent qualifications is entitled to take the appraiser examination and upon passing is entitled to the permanent certificate.

5. Part (f) is relettered to part (c) and remains essentially unchanged.

ESTIMATE OF COST OR SAVINGS: The State Board of Equalization has determined that the proposed change does not impose a mandate on local agencies or school districts. Further, the Board has determined that the change will result in no direct or indirect cost or savings to any State agency, any local agency or school district that is required to be reimbursed under Section 2231 of the Revenue and Taxation Code, or other non-discretionary cost or savings imposed on local agencies, or cost or savings in Federal funding to the State of California.

The cost impact on private persons or businesses will be insignificant. This proposal will not have a significant adverse economic impact on small businesses.

WRITTEN COMMENTS: Written statements or arguments will be considered by the Board if received by July 31, 1984; they are requested by July 20, 1984. Please send comments to Janice Masterton, Regulation Coordinator, at 1020 N Street, Sacramento, California 95814.

STATEMENT OF REASONS; EXPRESS TERMS; RULEMAKING FILE: The Board has prepared a statement of reasons and a strike-out and underscore version (express terms) of the proposed changes. Both of these documents are available to the public upon request. The rulemaking file is available for public inspection at Room 123, 102 N Street, Sacramento, California.

STAFF MEMORANDA AFTER PUBLIC HEARING OR REVISIONS TO PUBLISHED VERSION OF THE REGULATION: In the event there are any staff memoranda included in the rulemaking file after the close of the public hearing, these memoranda will be available to the public upon request from Mrs. Masterton for a period of 15 days after the public hearing.

In the event there are any revisions sufficiently related to the published version of the rule, these revisions will be available to the public from Mrs. Masterton for a period of 15 days before adoption.

Following the hearing, the State Board of Equalization, upon its own motion, or at the instance of any interested person, may in accordance with law adopt the changes proposed without further notice.

INQUIRIES

CONTENT

Questions regarding the content of the regulation should be directed to Gordon P. Adelman, Assistant Executive Secretary, Property Taxes, (916) 445-1516, at 1020 N Street, Sacramento, CA 95814.

HEARING

Written comments for the Board's consideration or requests to present testimony and bring witnesses to the public hearing should be directed to Janice Masterton, Assistant to Executive Secretary, (916) 445-6479, at the same address.

STATE BOARD OF EQUALIZATION

Douglas D. Bell

Douglas D. Bell
Executive Secretary

Rule No. 282. Temporary Certification

Reference: Sections 670, 673, Revenue and Taxation Code.

(a) A person ~~who does not hold a permanent certificate issued under section 283~~ shall not perform the duties of an appraiser, as defined in section 281, ~~until he~~ unless the person has been issued a temporary or permanent certificate, ~~under this section,~~ nor shall he the person continue to perform such duties for more than a year without having been permanently certified.

~~(b) If the board has approved the scope of a civil service or merit system examination for appraiser in the state service or in the service of a county or city and county, upon request of the employing agency, the board shall issue a temporary certificate to a person employed to perform the duties of an appraiser for property tax purposes for the state, the county, or the city and county for which the examination was approved, provided such person meets the minimum qualifications set forth in the civil service or merit system specifications for the position for which the examination was or is to be given.~~

~~(c)~~ (b) The board shall issue a temporary certificate to any person employed to perform the duties of an appraiser for property tax purposes in the service of a county or city and county if he the person meets the minimum qualifications set

out in section 283~~(d)~~ (a) or has ~~special~~ equivalent qualifications which, in the opinion of both the assessor and the board, demonstrate that he the person is competent to perform the work of an appraiser. The assessor shall submit such qualifications to the board on a form supplied by the board.

~~(d)~~ (c) A temporary certificate is suspended when the person to whom it was issued ceases to perform the duties of an appraiser for property tax purposes but is automatically reinstated when he the person again performs such duties with less than six months' break in service. When there is a break in service of six months or more, a ~~new~~ another temporary certificate ~~may~~ must be issued, under the provisions of subsection (b), and such certificate shall be valid for one year thereafter.

Rule No. 283. Permanent Certification

Reference: Sections 670, 673, Revenue and Taxation Code.

~~(a) If a person was performing the duties of an appraiser for property tax purposes for the state on October 6, 1966, and has passed a state civil service examination for appraiser prior to that date, or was performing such duties for the state, a county, or a city and county on November 8, 1967, and had passed a civil service or merit system examination for appraiser prior to July 1, 1967, he shall be issued a permanent certificate by the board without further examination.~~

~~(b) If the board has approved the scope of a civil service or merit system examination for appraiser in the state service or in the service of a county or a city and county, a person who has passed the examination on or after July 1, 1967, shall be issued a permanent certificate by the board when he is first employed to perform the duties of an appraiser for property tax purposes by the state, a county, or a city and county.~~

(a) ~~(c)~~ The board shall issue a permanent certificate to any person who does not come within the scope of paragraph ~~(b)~~ was employed to performing perform the duties of an appraiser for property tax purposes in the state service or in the service of a county or city and county ~~on the effective date of this rule provided he~~ who, within one year of employment, attains a passing grade in an examination prepared or

approved by the board and who meets the following minimum qualifications: ~~with-the-advice-and-assistance-of-a-committee-of-five assessors-selected-by-the-State-Association-of-County-Assessors of-California-for-this-purpose.~~

(d) The board shall issue a permanent certificate to any other person employed to perform the duties of an appraiser for property tax purposes in the state service or in the service of a county or city and county who attains a passing grade in an examination of the type referred to in paragraph (c) and meets the following minimum qualifications:

- (1) ~~He~~ The person is currently employed by, or has a bona fide employment offer from, the board, a county assessor or a city and county assessor, or a county appraisal commission, and
- (2) Either ~~he~~ the person is a graduate of an accredited four-year institution of higher education, or
- (3) ~~Or he~~ The person has graduated from high school (or has the equivalent of a high school education as determined by the taking of a general educational development test administered by an official general educational development center approved by the Bureau of Readjustment Education of the California Department of Education) and has four years of relevant experience. "Relevant experience" means employment experience within the last ten years in any of the following occupations:

- (A) an accountant, auditor, real property appraiser,
building cost estimator, engineer, or
- (B) a real estate licensee, licensed by the California
Department of Real Estate, engaged in buying,
selling, leasing, or managing real estate, or
- (C) an appraiser aide or appraiser trainee in an
assessor's office or in the property taxes
department of the board, or
- (D) An employee, other than an appraiser, of an
assessor's office or of the property taxes
department of the board, except that only 2/3
of such employment time shall be deemed
qualifying employment experience.

~~"Relevant-experience,"-as-the-term-is-used-herein,-means~~
~~experience-within-the-last-ten-years-in-accounting,-auditing,~~
~~appraising,-building-cost-estimating,-or-engineering,-or-for~~
~~real-estate-brokers-licensed-by-the-California-Department-of~~
~~Real-Estate,-in-buying,-selling,-leasing,-or-managing-real~~
~~estate.--It-also-includes-two-thirds-of-the-time-employed-in-a~~
~~capacity-other-than-that-of-an-appraiser-in-an-assessor's~~
~~office-or-in-the-Property-Tax-Department-of-the-State-Board~~
~~of-Equalization.~~ Four years of such relevant experience or
 any combination of four years of such relevant experience
 and of education in an accredited institution of higher
 education can be substituted for the educational requirement

in ~~paragraph-(d)~~ subsection (a)(2). When fewer than four years of education in an accredited institution of higher education are used to meet the minimal qualifications, the number of qualifying years or fractions thereof shall be determined by the number of units in which passing grades were received. The qualifications of the person seeking permanent certification in this manner shall be submitted on a form supplied by the board when ~~he~~ the person files ~~his~~ the application. ~~for-examination-~~

~~(e)~~ (b) When a person has been temporarily certified under section 282~~(e)~~(b) by reason of ~~special~~ equivalent qualifications, ~~he-may-in-the-board's-discretion-and-upon-request-of-the~~ assessor, the person shall be admitted to the examination referred to in ~~subdivision (d)~~ subsection (a) ~~without-meeting-the-minimum~~ qualifications-set-out-herein. Upon receiving a passing grade in the examination, ~~he~~ the person shall be issued a permanent certificate by the board.

~~(f)~~ (c) A permanent certificate is suspended when the person to whom it was issued terminates ~~his~~ employment by the board, by a county assessor or city and county assessor, or by a county reappraisal commission, but it is automatically reinstated when ~~he~~ the person is again employed to perform the duties of an appraiser for property tax purposes in the state service or in the service of any county or city and county.